



తెలంగాణ రాజ పత్రము
THE TELANGANA GAZETTE
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No. 267]

HYDERABAD, FRIDAY, OCTOBER 16, 2015.

NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.

—X—

COMMISSIONER OF COMMERCIAL TAXES

PREPARATION OF SENIORITY LIST OF DCTOs FROM THE PANEL YEAR 2007-08 & 2008-09 - PROPOSED
– SHOW CAUSE NOTICE ISSUED CALLING FOR THE OBJECTIONS FROM THE AFFECTED
PERSONS – OBJECTIONS RECEIVED – EXAMINED - ORDERS - PASSED.

- Ref:-
1. A.P. Extra-ordinary Gazette (Part-II) No. 66, dt. 08.05.2012.
 2. CCT's Ref. No. DX2/395/2012, dt. 27-09-2012.
 3. CCT's Ref. No. DZ(3)/466/2012-VI, dt. 24 -01-2014.
 4. CCT's Ref. No. TS/DZ/1017/2015, dt. 27.08.2015.
 5. CCT's Ref. No. TS/DZ/1017(2)/2015, dt. 03.09.2015.
 6. Objections received from the following individuals:
 - a. Smt. J. Madhavi, Manager, dt. 14.09.2015
 - b. Sri Sayed Basha Hussain, DCTO, dt. 16.09.2015
 - c. Sri M. Ramprasad, Manager, dt. 23.09.2015
 - d. Sri B. Narsireddy, DCTO, dt. 21.09.2015
 - e. Sri K. Ramchander Naik, President, TEGA, dt. 18.09.2015.
 - f. Smt. G.K. Lalitha, DCTO, dt. 23.10.2015.

CCT's Ref.No.TS/DZ/1017(2)/2015.— In the reference 3rd cited, the seniority list of D.C.T.Os of Zone-VI was finalized for the panel years 2007-08 and 2008-09 duly publishing in the A.P. Extra ordinary Gazette.

In continuation to the above, seniority list of DCTOs of Zone-VI, the seniority of DCTOs of Zone-VI for the subsequent panel years 2007-08 and 2008-09 is taken up, basing on the integrated seniority list of ACTOs of Zone-VI as finalised in the references 2nd cited.

The present seniority list of DCTOs will be subject to out come of any OAs/ WPs pending with the Courts in this regard and with the following directions of Hon'ble High Court of Judicature at Hyderabad in W.P.No.24335/99.

1. Final seniority list in the cadre of DCTOs be made on the basis of final integrated seniority of ACTOs after interspersing them at Zonal level.
2. By interspersing the seniority of DCTOs at State Level, the final seniority list of CTOs has to be prepared.
3. At each stage of ACTOs and DCTOs, it is Rule 33(a) of the A.P. State and Sub-ordinate Service Rules, which will govern the aspect of seniority.

4. While considering the final seniority list of CTOs and consequential promotions, it is the seniority based on Rule 33(a) referred to above will govern and not the service rendered in officiating capacity as DCTO on adhoc basis.

FOR THE PURPOSE OF PREPARATION OF ZONAL SENIORITY LIST OF DCTOs OF ZONE-VI, THE FOLLOWING GENERAL PRINCIPALS HAVE BEEN ADOPTED.

1. The current exercise of preparation of seniority list of DCTOs from the panel year 2007-08 and 2008-09 of Zone-VI based on the final integrated seniority list of ACTOs of Zone-VI finalized vide the reference 1st and 2nd cited.
2. Panels of 2007-08 and 2008-09 of DCTOs have been prepared basing on the adhoc panels approved by the D.P.Cs basing on the feeder category seniority list i.e., Seniority list of ACTOs of Zone-VI finalized by the Commissioner (CT), A.P., Hyderabad .
3. So as to maintain the order of ranking within the panel, date of arising of the vacancy is taken as basis for the purpose of assigning notional date, subject to their eligibility and Rule of Reservations in Promotions to the category of SC and STs.
4. In case of the city list candidates, they have not been placed against the 15th point earmarked for them according to APCT service Rules. However the vacancies is kept as reserved.

VACANCY POSITION:

The vacancies of DCTOs of Zone-VI panel year wise have been taken based on the Retirements/Promotions/Deaths/Dismissals/Creation of new posts as follows:-

PANEL YEAR	TOTAL No. OF VACANCIES
2007-08	20
2008-09	21

In exercise of powers conferred as the Commissioner of Commercial Taxes, Telangana, Hyderabad, it is proposed to finalize the seniority list of DCTOs of Zone VI from the panel year 2007-08 and 2008-09 (Appended as Annexure).

It may be noted that the placements made in the panel years of the individuals is only for the purpose of seniority and promotions and no monetary benefits, etc. whatsoever with retrospective effect can be claimed from the date of inclusion of individuals in the panels.

Accordingly, Show Cause Notice was issued vide reference 5th cited, calling for the objections from the persons who feel adversely affected by this proposed seniority, if any, within (15) days from the date of publication of this show cause notice.

In response to the Show Cause Notice the following individuals have filed their objections which are examined and replied as hereunder:

1. Objection filed by Smt. J. Madhavi, Manager, Secunderabad Divn:

The individual has filed the objections to the Show Cause Notice stating that she was DR ACTO of 2005 batch and allotted to the Unit of appointment of Secunderabad Nodal Commercial Taxes Division, Hyderabad. She joined as ACTO on dt:02-03-2005. She submit that within the probation period of 2 years, she had passed all the departmental tests required for the post of ACTO. However, during the probation period for a period of approximately 400 days, she proceeded on leave including maternity leave on different spells and thereby her probation in the cadre of ACTO had been extended by the appointing authority and not for the reason that not passed the required departmental tests within the prescribed period.

The individual submitted that when the seniority list of ACTOs was finalized by the appointing authority in proceedings No. A2/250/2009 dt:7/11/2011, her name was shown in the seniority list in the panel year 2006-07 as against in the panel year 2004-05 on the ground of extension of her probation. In pursuant to the seniority list, the learned Commissioner (CT) also finalized integrated seniority list of ACTOs for the panel year 2000-01 to 2004-2005 in which against her name, a remark was made that she did not pass the departmental tests within the prescribed time. If this could be the reason for altering her seniority from the panel year 2004-05 to 2006-07, then the same is not correct in view of the Division Bench Judgement of the Hon'ble High Court of A.P in W.P.No.1024,1082 and 1391 of

2000 dt:11/10/2001. The sum and substance of this judgment is that if once the merit list on the basis of the ranking secured at the time of the selection is prepared, it cannot be altered on the ground that the probation of an Officer is extended. Extension of probation of an officer has no relevance as the said extension cannot alter the ranking and the seniority. In coming to this conclusion, the Hon'ble High Court followed the Judgment of the Hon'ble Supreme Court in Chairman, Porigramyak Bank vs Ananda Chandra Das (1994) 6 SCC 301.

Apart from this judgment, she has also relied on the judgment of the Hon'ble APAT in O.A.No.6472/2003 dated 23-4-2007, and submitted that following the orders of the Tribunal in case of Sri Goverdhan Patwari, ACTO of Zone V of 2007 batch was given seniority in the same panel year even though he proceeded on leave for 351 days during the period of probation, as he passed all the departmental tests within the probation period.

The individual has further submitted that the orders of Government in circular memo No.57759 / Ser A/2004-1 dt:20-5-2004, which is to the effect that no request for revision of seniority for a period which is more than 3 years old shall be considered, she filed a representation before the Additional Commissioner dt:06-01-2011 which was within one year from the date of finalization of the divisional and integrated seniority list of the ACTOs of Zone VI on 09-12-2010 for rectifying above anomaly and to give her proper placement in the seniority list of ACTO. However, no action has been taken so far on this representation for giving proper placement of seniority in the panel year 2004-05 below Sri. Ramprasad Malyala and above Sri K. Kishorkumar.

In this connection the individual submitted that it is trite to mention here that in Zone V, her batch mate Smt.Lalitha Lakkarusu was given seniority in the panel year 2000-01 though her selection as ACTO was in the year 2005 was pursuant to the notification 10/1999 as per the Orders of the Hon'ble Tribunal O.A. No. 2522 of 2013, dtd. 5-6-2015. The Hon'ble Tribunal in this case held that since the ACTOs 2001 batch and 2005 batch appeared for the common examination in notification 10/1999, the candidates selected in the year 2005 should be given seniority in the year 2001 with reference to merit. This Judgment of the Hon'ble Tribunal is a Judgment in Rem and therefore would apply to all the candidates who are placed in the same footing. Therefore, the Judgment of the Tribunal should be extended to her for placing her name in the panel year 2000-01 with reference to her merit.

Therefore, the individual contended that since placing her name in the panel year 2000-01 would take considerable time, her name should be at least placed in the panel year 2004-05 of ACTOs for which she already made a representation as indicated above and accordingly her name also should find placement in the seniority list of DCTOs of the panel year 2008-09 of Zone VI below the name of Sri. RamPrasad Malyala and above Sri.K.Kishorkumar, as otherwise she will be put to irreparable loss and injury in the matter of her seniority, since for no fault of her of her seniority in the cadre of ACTO was altered and fixed contrary to above settled law.

Reply to the objections:

The objections of the individual are examined with reference to the record. Though the individual has filed her representation before the Additional Commissioner (CT), dt.06-01-2011 for rectification of the anomaly which was within one year from the date of finalization of the divisional and integrated seniority list of the ACTOs of Zone- VI on 09-12-2010, subsequently a revised show cause notice was issued calling for objections from the individuals, in order to finalize the revised seniority list of ACTOs for the panel years from 2000-01 to 2008-09 of Zone- VI dt. 22-06-2012 and the same was published in the AP. Gazette No. 381/103 (Part No.II), dated 09-07-2012 wherein the individual was placed at Sl.No.183 against the panel year 2006-07 for which the individual has not filed any objections thereof; and the Orders of Revised Integrated Seniority List of ACTOs for the panel years from 2000-01 to 2008-09 of Zone- VI were passed in CCTs Ref No.DX2/395/2011-Zone-VI, dt.27-09-2012. Therefore, it is not open to her to raise the same issue now at the time of finalization of seniority of DCTOs with reference to the seniority list of ACTOs of Zone-VI, finalized dt.27-09-2012. Further, it is observed from her representation dt.06-01-2011, she requested to rectify the remarks against her name and the remarks that "the individual did not pass the departmental tests within the prescribed time" " found no place in annexure -A of Revised integrated seniority list of ACTO's finalized on 27-09-2012.

In view of the above the individual's objections are overruled.

With regard to the request for placing her name in the panel year 2000-01 on par with Smt.Lalitha Lakkarusu selected as ACTO was in the year 2005 in pursuant to the notification 10/1999 and her objections are examined and concluded as under:

It is relied on the legal principles in case of Gulam Rasool Lone Vs. State of J & K, (2009 Lab I.C. 3556), one must have his own legal fight for his rights, he cannot draw fruits from the legal battle of the others. The individual

cannot draw any ratio or analogy from the above judgment of Hon'ble A.P.A.T. in O.A. No. 2522 of 2013, dated. 5-6-2015 filed by Smt Lalitha Lakkarasu. Hence, the objection of the individual is overruled.

2. Objection filed by Sri Syed Basha Hussain, DCTO, Nalgonda Divn:

The seniority list of DCTOs of Zone-VI has been finalized for the panel year 1997-98 to 2004-05 and published in AP extra-ordinary Gazette vide CCT's Ref. No. DZ(3)/466/2012-VI, dt. 24.01.2014 and for the Panel years 2005-06 and 2006-07 has been proposed vide CCT's Ref. No. TS/DZ/1017/2015, dt. 27.08.2015.

In continuation to the above, seniority for the panel years 2007-08 and 2008-09 is now taken up, basing on the integrated seniority list of Hyderabad and Secunderabad Nodal Divisions finalized vide CCT's Ref. No. DX2/395/20012, dt. 27.09.2012.

The individual has submitted his contentions for inclusion of his name in the panel year 2003-04. He stated that he was the DR ACTO of 1994-95 batch of Zone-VI and allotted to Secunderabad Nodal Division. As per the finalized seniority list of ACTOs of Zone-VI (integrated) by the CCT, AP, Hyderabad vide AP Extra-ordinary Gazette (Part-II) No. 66, dt. 08.05.2012, his name was at Sl.No. 87 before the name of Sri Madhusudhanachary, Sl.No. 88 and after the name of Sri M. Dhananjay Naik, Sl.No. 86. Subsequently such seniority list has been revised vide CCT's Ref. No. DX2/395/20012, dt. 27.09.2012 and his name has been placed at Sl.No. 104 in between the above said individuals. Further he stated that his immediate junior and senior in the list of ACTOs were promoted as DCTOs on 16.06.2006, whereas his name has not considered for promotion due to pendency of currency of punishment of "censure" and consider in the panel year 2007-08 after the names of his juniors which is contrary to the settled principles for "Censure".

Since the punishment of Censure imposed within one year proceeding the crucial date need not be held against the officer, if the delinquency had occurred beyond the 5 years from the date of Memo issued vide CCT's Ref. No. Ts/DZ/1017/2015, dt. 27.08.2015. Further he stated that there were no currency of charges as on the arising of vacancy of DCTO on 22.08.2004 (charges framed on 15.11.2005). Going by the natural justice and statutorily also his name should in the seniority list of DCTO panel of 2003-04 of Zone-VI at Sl.No. 117 i.e., above the name of Sri Madhusudhana Chary and below the name of Sri M. Dhanunjay Naik.

The Madras High Court Bench has ruled on 10.08.2010 and upheld in the case of "the Secretary to the Government of Tamilnadu Vs. R. Murugesan in WA (MD) No. 350/2010" that Government Servant imposed minor punishments such as Censure, for failing to perform their duties cannot be denied promotion to the next cadre. While dismissing a Write Appeal filed by the Finance Secretary, Hon'ble Justice D. Murugesan and M. Doraiswamy said that the High Court in 2008 itself had ruled that "even stoppage of increment for two years could be considered only as minor punishment" The individual stated that as on the date of arising of vacancy of DCTO on 22.08.2004, there are no currency of charges pending against him. Hence, the individual is requested to consider on merit and proper justification. He hoped that the justice will be dispensed with lest the justice delayed is justice denied in his case as his juniors who were about 60 in Numbers already have been elevated to the post of Commercial Tax Officer and himself was being 6th topper among 1400 Group-II selected candidates in 1995 is made to suffer no fault of him.

The individual stated that, he strongly object to the proposed seniority of DCTOs of Zone-VI for the panel year 2005-06, 2006-07 and 2007-08. Had he been included in the panel year 2003-04 by which time there were no charges pending against him, he would have got promoted along with 2003-04 panel year. Since the post of DCTO vacancy arose on 08.02.2004, which is covered under 2003-04 panel years, with the hope of due justice.

Reply to the Objections:

The above objection of the individual is examined. The earlier seniority of Sri Syed Basha Hussain was with reference to pre-revised seniority list of ACTOs of Zone-VI. Subsequently, the seniority lists of ACTOs of Zone-VI underwent revision in pursuant to the orders of Hon'ble Tribunal and orders of the Government i.e., to finalize the seniority lists of ACTO of all zones following Rota-Quota principle. Accordingly, the ACTO seniority lists of zone-VI was revised and in the said revised seniority list, the name of the individual found placement in the panel year 1995-96. This revised seniority list of ACTOs was not questioned by the individual and thereby allowed to become final. Basing on the revised seniority list of ACTOs this individual was appointed as DCTO on adhoc basis on 18-2-2007.

The Government vide Memo.No.10195/CT.I/2015, Revenue (CT.I) Dept., dated 14-08-2015 have rejected the representation of the individual for inclusion of his name in the panel year 2004-05 on par with his junior stating that

the charges were pending against Sri Syed Basha Hussain in the cadre of ACTO during the panel year 2004-05. Subsequently, the said charges were concluded by imposing a penalty of Censure against the individual vide proceedings dated 15-11-2005 and the said penalty was under currency for a period of one year i.e. up to 14.11.2006. As such, it is clear that the individual became eligible to be considered his name for promotion to the next higher category w.e.f. 15.11.2006 i.e. from the panel year 2007-08 only, but not before that panel year as per G.O.Ms. No.342, GAD, dated 04-08-1997 and rule-6 (b) of General Rules.

Accordingly, his objections are devoid of any merit and unsustainable. Hence the objection is overruled.

3. Common Objections filed by Sri M.Ramprasad, Manager, Saroornagar Division and B.Narsi Reddy, DCTO, Market Street Circle, Secundrabad Division.

Objection:1

The individuals submitted that they are DR ACTO of 2005 batch and allotted to the Unit of Appointment of Nodal Deputy Commissioner (CT), Hyderabad (Rural) Division. They submit that upon good service track record and passing of the Departmental tests for the posts of ACTO, their probations in the cadre of ACTO were declared and subsequently promoted as DCTO.

While finalizing the seniority list of ACTOs for the panel year 2004-05, their seniority were fixed with reference to the Roster Point selection but not with reference to merit based on marked secured in the Group-II Competitive Examination conducted by the APPSC pursuant to Notification 10/99. The seniority list for the panel year 2000-01 to 2008-09 in the integrated seniority list of ACTOs finalized in CCTs Ref.DX2/395/2011/Zone-VI dt.27-9-2012 with reference to the Roster Point. This seniority list was challenged before the Hon'ble Tribunal in OA.No.7985/2012. The Hon'ble Tribunal in its orders dt.23-11-2012 passed orders directing the Addl. Commissioner (CT) to prepare the fresh seniority list as per the merit ranking given by the APPSC and also as per the provisions of rule 33 (b) r/w 36(1) of the APS&SS Rules, 1996. In fact, the APPSC also addressed the Department to finalize the seniority list based on merit vis-à-vis marked secured in the competitive exam. The Hon'ble Supreme Court in judgment in C.A.No.4662/2007 dt.28-7-2011 and C.A.No.4455/2008 dtd.16-7-2008 held that Roster Point is to be taken for selection of the candidate for the post but merit of that candidate should be with reference to marks. The above judgment is judgment in rem and therefore applicable to all persons standing on the same footing as mentioned in the above judgments.

Further they stated that they have filed a representation on 09-09-2015 to the learned Commissioner(CT) along with marks list of ACTOs selected pursuant to notification 10/99 obtained from APPSC under RTI Act, 2005 for ordering revision of above seniority list for the panel year 2004-05 in the cadre of ACTO, as this would be in consonance with the above orders of the Hon'ble Tribunal and Hon'ble Supreme Court and the same representation is pending in the office of the CCT, TS, Hyderabad.

Further they stated that, if the seniority list of DCTOs finalized for the panel year 2007-08 to 2008-09 without revision of seniority list in the cadre of ACTOs for the panel year 2004-05 (CCTs Ref.DX2/395/2011/Zone-VI dt. 27-9-2012) based on merit vis-à-vis marked secured in the Group-II exam, thus much injustice would be done to them.

Objection:2

The individuals also filed their 2nd objection stating that the Hon'ble APAT passed orders dtd.05-06-2015 in O.A, No. 2522 of 2013 filed by Smt Lalitha Lakkarasu, DCTO of Zone-V. The main content of the above APAT orders is as follows:

, "In view of the above directions, this O.A., is also allowed by setting aside the impugned proceedings in Rc. No. A1/1162/2006 dated 01.12.2007 of the first respondent and the consequential proceedings in CCT's Ref. No. DX4/895/2009, dated 30.05.2012 of the second respondent and the respondents are directed to place the applicant next below G.V. Ramanjaneyulu in the category of ACTO with all consequential benefits and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this orders. However, it is made clear that the applicant is not entitled for the monetary benefits till the date of her initial appointment on 5.3.2005. But she is entitled to notional benefits till that date i.e., 5.3.2005 ".

From the above Hon'ble APAT directions, the Addl. Commissioner (CT), TS, Hyderabad has revised the placement of Smt. Lalitha Lakkarasu, DCTO, in the seniority list of ACTOs of Zone-V, in accordance to the orders

of Hon'ble APAT, in OA No. 2522 of 2013 by placing her name below the name of Sri G.V. Ramanjaneyulu, (Sl.No. 11) and above the name of Sri K. Ashok Reddy, (Sl.No. 13) vide CCT's Ref. No. C(DX4)/439/2013, dt. 14.08.2015.

Accordingly the name of Smt. Lalitha Lakkarasu is placed at appropriate place in the seniority of DCTOs of Zone-V for the periods from 2005-06 to 2008-09 in between the above individuals picking up her name from Sl.No.29 of the panel year 2008-09 to Sl.No. 10 of the panel year 2005-06 is finalized vide CCT's Ref. No. DZ (3)/ 44 /2014, Dated: 11.09.2015.

They further stated that the Hon'ble APAT passed orders dtd.21-11-2014 in O.A, No. 7105 of 2011 filed by Sri Y.Hari Krishna, DCTO of Zone-III. The main content of the above APAT orders is as follows:

“ For the reasons stated under Point Nos (i) and (ii), the O.A. is allowed. The impugned proceedings in CCT's Ref.No.DX4/1146/2009, DT.21.08.2010 issued by the 2nd respondent and the final seniority list issued in Rc.No.106/A/2006 A4, dt.13.04.2007 by the 3rd respondent are set-aside, with a direction to the respondents to include the name of applicant in the final seniority list of ACTOs dt.12.03.2007 along direct recruit ACTOs appointed in February, 2001, pursuant to Notification No.10/1999, as per his merit in the selection process conducted by the APPSC, with all consequential benefits. Appropriate orders in compliance of the above directions shall be issued within a period of eight weeks from the date of receipt of a copy of this order”.

In this regard, they stated that, they were selected as ACTO in pursuance of Notification No. 10 of 1999 issued by APPSC for recruitment of Group-II posts and joined in the department on 02-03-2005 and 26.02.2005 respectively and belong to the same batch of Smt. Lalitha Lakkarasu, DCTO, O/o CTO, Ramannapet Circle, the appellant in O.A. No. 2522 of 2013 and Sri Y. Hari Krishna, DCTO of Zone-III, the appellant in O.A. No.7105 of 2011, dtd.21-11-2014.

From the above judgments of Hon'ble APAT, the same facts and grounds are squarely applicable to their case too. Hence, they requested to consider their names bellow the names of 2001 batch DR ACTOs (bellow Sl.No.33) for the seniority list of DCTOs of Zone-VI for the panel year 2006-07 in terms of the SCN was issued vide CCT's Ref. No. TS/DZ/1017/2015, Dated: 27-8-2015.

Reply to the objection 1:

The objections of the individuals have been examined with reference to record. At the time of preparation of seniority lists of ACTOs for the year 2000-01 both at the nodal division level and at the Integration level, the issue of fixing their seniority in the cadre of ACTO with reference to merit basing on the marks secured in the Group-II exams of APPSC for the post of ACTO was never contested by the individual concerned herein. Therefore, it is not open to them to raise the same issue now at the time of finalisation of seniority list of DCTOs with reference to the seniority list of ACTOs of Zone-VI. Further, they are seeking seniority with reference to merit, placing reliance of the Hon'ble APAT Judgment in OA No. 7985/2012.

In this regard the seniority based on merit has to be finalized in the cadre of ACTOs. But it is not revised so far. Hence the consideration of seniority based on merit in the cadre of DCTOs is not possible, without revision of seniority in the cadre of feeder category i.e., ACTO. Accordingly the contentions of the individuals are overruled.

Reply to the above objection 2:

It is relied on the legal principles in case of Gulam Rasool Lone Vs. State of J & K, (2009 Lab I.C. 3556), one must have his own legal fight for his rights, he cannot draw fruits from the legal battle of the others. The individual cannot draw any ratio or analogy from the above judgment of Hon'ble A.P.A.T. in O.A. No. 2522 of 2013, dated. 5-6-2015 filed by Smt Lalitha Lakkarasu and in OA No. 7105/2011, dt. 21.11.2014 filed Sri Y. Harikrishna. Hence, the objections filed by the individuals are overruled.

5. Objection filed by Sri K. Ramchander Naik, the President, TEGA

He stated that, as seen from the first paragraph of said Notice the seniority list of DCTOs of Zone-VI was finalized from the panel year 1997-98 to 2004-05 and subsequently for the panel years 2005-06 and 2006-07 was proposed in CCT's Ref. No. TS/DZ/1017/2015, dt. 27.08.2015.

He further stated that the seniority for the panel years 2007-08 and 2008-09 has been taken up, hence the Association has requested that to take up the finalization of seniority for all the years at a time as the seniority list in

the cadre of ACTO is readily available for 10 more years without any litigation. He also added that certain disadvantages for candidates on account of piecemeal finalization of the DCTOs seniority. For instance recently i.e., above one month back 51 DCTOs were promoted as CTOs, while effecting promotions by following Rule of Reservations the Roster points meant for SC/ STs were kept vacant which are required to be filled in. This has happened because the seniority of DCTOs was not finalized by that time though there were qualified DCTOs for promotion. As per APS & SS Rules, 1st September of the year shall be reckoned as the qualifying date to determine the eligibility of candidate for such appointment, which shall cease to be in force on the after noon of the 31st December of the succeeding year or till the next panel year is prepared whichever is earlier and for the purpose of preparing the said panel. If this rule is followed the qualified officers need not wait for promotion for years together.

He requested to avoid such happenings by taking up the finalization of the seniority of the officers every year without delay.

Reply to the objection:

The objections of the individual / association are examined.

In this regard it is stated that in future the seniority lists of DCTOs in Zone- VI shall be proposed /finalized for all those years where the seniority lists in the cadre of ACTOs are readily available as per rules in force.

5. Objection filed by Smt. G.K. Lalitha, DCTO.

Smt. G.K. Lalitha, Dy. Commercial Tax Officer, Marredpally Circle, Hyderabad has submitted her objections that she is working as Dy. Commercial Tax Officer since 18-08-2006 as a Manager and in the Marredpally Circle from 22-06-2012 to till date. Total DCTO service is more than (9) years (2) months service in DCTO cadre.

The individual has submitted that on submission of Representations from the DCTO's in Telangana State including herself the Hon'ble Commissioner (CT) Telangana Hyderabad issued Proc's No. C(CT)'s Ref.No. TS/DZ/1017/2015, Dt. 23.09.2015 considered all representations and rejected her representation on several grounds. The Commissioner (CT) also issued show cause notice vide C (CT) Ref.No. TS/DZ/1017/2015, Dt. 28.09.2015. In the seniority list Srl.No. 45 closed.

As seen from the seniority list her name was over looked due to the Commissioner (CT) Telangana Hyderabad should have not seen her service records. She has requested the Commissioner (CT) to do justice by considering her service record.

Sr.Asst. Cadre: As per A.P. Gazette No. 157, dated 21.03.2005 in the seniority list of Sr. Asst. is assigned at Sl.No. 266 and promoted on 24.09.2003.

ACTO Cadre: Promoted as ACTO vide D.C. (CT) Hyderabad (Rural) Hyderabad Proc's No. E/302/2005-2, dt. 7.7.2005 and joined as ACTO on 12.07.2005 in Nalgonda Division.

DCTO Cadre: As per C(CT) Ref. No. D2/(3)/579/2006, Dt. 14-06-2006 at Sl.No. 11 joined as Manager at DC's Office Begumpet Division, Hyderabad.

In the circumstances above, she is eligible in the seniority list of DCTO's for the penal year 2005-06 and 2006-07 below the at S.No. 23 name of Naga Babu and above the G. Srinivas Rao Sl. No. 24, as seniority list and promotion orders of the DCTO's are as follows;

Sri E. Naga Babu, ACTO Sl.No. (9)

Sri M. Gopala Rao, ACTO Sl.No. (10)

Smt. G.K. Lalitha Sl.No. (11)

As per Commissioner (CT)'s Ref. No. TS/D2/1017/2015, Dt. 27.08.2015 seniority list of DCTO's for the year 2005-06 and 2006-07 her name was placed at Sl. No. 22 in panel year 2005-06. In her opinion her seniority seems to be correct and is in order and she requests the Commissioner (CT) to confirm the Sl.No. 22 when the Commissioner (CT) fixed seniority. She is expecting the same at Sl.No. 22. Hence she could not submitted any objections as per C(CT) proceedings.

It is therefore requested by the individual that the Hon'ble C(CT) to examine her appeal as per her eligibility to include in the seniority list of 2005-06 only at Sl.No.22, 23, 24.

Reply to the objection filed by Smt. G.K.Lalitha, DCTO:

The objections of the individual have been examined with reference to record and rules 5(a) and 6 r/w rule 7 of the A.P. State and Subordinate Service Rules, 1996.

As per the integrated seniority list of ACTO's of Zone –VI for the panel years 2000-01 to 2008-09, the name of the individual Smt. G.K.Lalitha found placement at Sl.No.30 in the integrated seniority list of ACTO's of Zone-VI in the panel year 2003-04, finalized on 27-09-2012.

Further, the request of the individual for inclusion of her name in the DCTO panel year 2005-06 of Zone-VI at Sl.No.22 by inadvertence. She is not entitled to be included in the DCTO panel either in the year 2005-06 or 2006-07 by applying ROR due to achieving of adequacy in the representation of SC candidates and for the reasons discussed as under:

The panel year for the year 2005-06 commenced from 1-9-2005 and ceases to be in operation by 31-12-2006 and the number of vacancies of DCTOs in Zone-VI arose during the period 1st September 2005 and 31st August, 2006 was 29. The record reveals that the last Communal Roster Point in 100 point Communal Roster Point as envisaged in rule 22 of the State and Subordinate Service Rules ended with number 82 in the panel year 2004-05. Applying Communal Roster Point from 83 for the all the 29 posts of DCTOs it would end with Roster Point 11 in the second cycle of 100 Communal Roster Points. Between these Roster Points 83 and 11, about 5 vacancies for SC candidates arose at Roster Points, 87, 91, 97, 2 and 7 in the panel year 2005-06. In fact, rule of reservation cannot be extended to this panel year in as much as 25 SC candidates had already been included in the panel year 2004-05 of DCTOs of Zone-VI and thus adequacy reached as on the date of commencement of panel year of 2005-06, by 1st September 2005, as per provision of law only 19 DCTOs should be included in the panel year 2004-05 with reference to 15% of cadre strength of DCTOs numbering 126 of Zone-VI. Thus, there is an excess SC candidate by 6 numbers. As, adequacy already achieved and as such promotion/seniority to SC/ST candidates applying ROR should be stopped in the light of G.O.Ms.No.18 SW (R)OR-I) Dept dt.17-2-2005.

However, the SC candidates included in the panel year 2005-06 except Smt. G.K.Lalitha is as per general seniority in the feeder category of ACTOs in the panel year 1997-08 to 1999-2000 of Zone-VI. The request for inclusion of the individual Smt. G.K.Lalitha in the panel year 2005-06 at Sl.No.22 by applying ROR is not correct and accordingly her name is relegated from the panel year 2005-06 in view of the above provision of law.

For the panel year 2006-07, 9 vacancies of DCTOs arose. Applying Communal Roster Points from 12 it would with roster point 20. In between these roster points, the roster point 16 is meant for SC candidate. Since adequacy already achieved as discussed above, this roster point is to be filled with general seniority candidate in the feeder category of ACTOs without applying Rule of Reservation. Hence, she is not entitled for inclusion of her name in the DCTO panel year 2006-07 also.

Therefore, the request of the individual for inclusion of her name at Sl.No.22 in the DCTO panel year 2005-06 is incorrect and is not a tenable. Hence, her objections are devoid of any merit and over-ruled.

Accordingly, her name is included in DCTO panel for the year 2007-08 of Zone –VI at Sl.No.11 as per her General Seniority in the feeder category of ACTO's for the panel years from 2000-01 to 2008-09 of Zone –VI, finalized dt.27-09-2012.

With the above findings, the seniority list of DCTOs of Zone-VI for the panel years 2007-08 and 2008-09 is hereby finalized by the undersigned.

It is also informed that the placements made in the various panel years of the employees are only for the purpose of seniority. It does not confer any right to notional promotion or monetary benefits etc with retrospective effect.

The Zonal seniority finalized now will be subject to the outcome of SLPs/WPs/OAs/ Appeals pending, if any, before the Hon'ble Supreme Court of India/Hon'ble High Court/APAT/Government.

A copy of the order is available on the portal of the C.T. Department and can be accessed at the address: www.tgct.gov.in.

STATEMENT SHOWING THE FINAL SENIORITY LIST OF DCTOs OF ZONE-VI FOR THE PANEL YEARS 2007-08 & 2008-09

Sl. No.	Panel Year	Name of the Individual	Date of Birth	Date of Retirement	Remarks
1	2007-08	Sayed Basha Hussain	10-03-1964	31-03-2022	
2	2007-08	K. Ramulu (ST)	15-08-1973	31-08-2031	
3	2007-08	K. Leela	13-07-1952	31-07-2010	Retired
4	2007-08	K. Limbadri	13-07-1951	31-07-2009	Retired
5	2007-08	K.Manohar	01-01-1951	31-12-2008	Retired
6	2007-08	K. Sunder Rao (SC)	04-06-1950	30-06-2008	Retired
7	2007-08	K. Venkateswara Reddy	01-07-1950	30-06-2008	Retired
8	2007-08	Mohd. Abdul Khader	15-07-1951	31-07-2009	Retired
9	2007-08	V. Kalidas	07-08-1953	31-08-2012	Retired
10	2007-08	H. Gopal Rao	07-08-1953	31-08-2011	Retired
11	2007-08	G.K. Lalitha	06-07-1959	31-07-2017	
12	2007-08	M.Z.M.Ansari	06-10-1952	31-10-2010	Retired
13	2007-08	City List			
14	2007-08	E. Kasturi Bai (SC)	28-06-1951	30-06-2009	Retired
15	2007-08	Rajendra Prasad	07-05-1955	31-05-2013	Retired
16	2007-08	N.Bhanu Prasad (SC)	19.01.1952	31.01.2010	Retired
17	2007-08	K.Narsing Rao (ST)	04.01.1959	31.01.2017	
18	2007-08	R. Jayaram Naik (ST)	04.02.1960	28.02.2018	
19	2007-08	G.Prasad	20.05.1951	31.05.2009	Retired
20	2007-08	T.Veereshalingam	15.02.1952	28.02.2010	Retired
21	2008-09	B. Damodhar Rao	06.09.1955	30.09.2013	Retired
22	2008-09	Jamla Naik (ST)	03.06.1960	30.06.2018	
23	2008-09	G.Venkatapapi Reddy	03-10-1952	31-10-2010	Retired
24	2008-09	N.V.Krishna Murthy	11.06.1951	30.06.2009	Retired
25	2008-09	S.Venkatanarasimha	05.05.1972	31.05.2030	
26	2008-09	V. Suresh (SC)	09.06.1968	30.06.2026	
27	2008-09	N. Padmavathi (ST)	15.04.1967	30.04.2025	
28	2008-09	City List			
29	2008-09	Ram Prasad Malyala	05.06.1975	30.06.2033	
30	2008-09	K.Kishore Kumar	16.05.1973	31.05.2031	
31	2008-09	M.Raju	27.07.1974	31.07.2032	
32	2008-09	A. Srinivasaulu	10.06.1969	30.06.2027	
33	2008-09	R.Venkataiah	16.06.1973	30.06.2031	

Sl. No.	Panel Year	Name of the Individual	Date of Birth	Date of Retirement	Remarks
34	2008-09	G.Pavani	23.07.1976	31.07.2034	
35	2008-09	Chitteswar Police Patiola	08.01.1973	07.01.2031	
36	2008-09	V. Srinivasachari	01.08.1974	31.07.2032	
37	2008-09	P.Nageswaramma	18.04.1977	30.04.2035	
38	2008-09	G.Nagaraju	17.07.1977	31.07.2035	
39	2008-09	K.Satish	14.04.1970	30.04.2028	
40	2008-09	B.Narsi Reddy	12.03.1972	31.03.2030	
41	2008-09	V. Bugappa	03.04.1975	30.04.2033	

Hyderabad,
13-10-2015.

V. ANIL KUMAR,
Commissioner of Commercial Taxes.

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